



NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions for Week of October 15, 2012

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#12-105 *In re Batie*, S205057. (D059794; 207 Cal.App.4th 1166; San Diego County Superior Court; HC16046.) Petition for review after the Court of Appeal dismissed a petition for writ of habeas corpus.

#12-106 *In re Lira*, S204582. (H036162; 207 Cal.App.4th 531; Santa Clara County Superior Court; 76836.) Petition for review after the Court of Appeal modified and affirmed an order granting relief on a petition for writ of habeas corpus.

Batie and *Lira* present the following issue: Is a life prisoner who is granted parole on a pre-1983 offense entitled to credit against the applicable five-year parole period for the time he or she was incarcerated following the Governor's improper reversal of a prior grant of parole?

#12-107 *Peabody v. Time Warner Cable, Inc.*, S204804. (9th Cir. No. 10-56846; 689 F.3d 1134; Central District of California; 2:09-cv-06485-AG-RNB.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. "As restated by the court, the question presented is: "May an employer, consistent with California's compensation requirements, allocate an employee's commission payments to the pay periods for which they were earned?"

#12-108 *City of Hayward v. Trustees of California State University*, S203939. (A131412, A131413, A132423, A132424; 207 Cal.App.4th 446; Alameda County Superior Court; RG09480852, RG09481095.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in an action for writ of administrative mandate. The court ordered briefing deferred pending decision in *City of San Diego v. Trustees of California State University*, S199557 (#12-40), which includes

the following issue: Does a state agency that may have an obligation to make “fair-share” payments for the mitigation of off-site impacts of a proposed project satisfy its duty to mitigate under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) by stating that it has sought funding from the Legislature to pay for such mitigation and that, if the requested funds are not appropriated, it may proceed with the project on the ground that mitigation is infeasible?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Caballero* (2012) 55 Cal.4th 262:

#11-78 *People v. Ramirez*, S192558.

#11-11 *4People v. J.I.A.*, S194841.

Review in the following cases was dismissed in light of *People v. Caballero* (2012) 55 Cal.4th 262:

#11-91 *People v. Nunez*, S194643.

#12-57 *People v. Kidd*, S200237.

Review in the following case was dismissed in light of *People v. Villatoro* (2012) 54 Cal.4th 1152:

#12-59 *People v. Rouse*, S201479.

Review in the following case was dismissed in light of *People v. Aranda* (2012) 55 Cal.4th 342:

#11-71 *People v. Moore*, S192529.

Review in the following case was dismissed in light of *People v. Aranda* (2012) 55 Cal.4th 342 and *People v. Brown* (2012) 54 Cal.4th 314:

#11-142 *People v. Muniz*, S196916.

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